



**PLANNING  
DEPARTMENT**

**TOWN OF GRAFTON**  
GRAFTON MEMORIAL MUNICIPAL CENTER  
30 PROVIDENCE ROAD  
GRAFTON, MASSACHUSETTS 01519  
(508) 839-5335 ext. 1120 • FAX (508) 839-4602  
planningdept@grafton-ma.gov  
[www.grafton-ma.gov](http://www.grafton-ma.gov)

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**MEMORANDUM**

**EXHIBIT 4**

TO: Planning Board  
FROM: Joseph Laydon, Town Planner  
CC: File  
DATE: December 6, 2019  
SUBJECT: Staff Review of 200 Westboro Road – Cell Tower Extension



The following comments reflect staff's review of the submitted application and accompanying material:

Location: 200 Westboro Road, Map 21, Lot 1.A  
Zoning: Office Light Industrial (OLI); Campus Development Overlay District (CDO)  
Existing Use: Existing 99' Monopole  
Proposed Use: Extend Existing Pole 20 feet to total of 119'

Summary: The existing monopole was permitted with the Board's October 22, 2020 approval following a denial of the 2001 application and subsequent remand order by the Courts. Subsequent applications added two additional carriers. The current application proposes to add antennas for AT&T to the current monopole, consisting of two sets of antenna arrays to be located at elevation 104' and 114'. Associated with the increase in the tower to accommodate AT&T, new ground mounted equipment is also proposed to be installed.

Staff recommended to the Applicant to submit an application rather than proceed as a minor modification of the existing facility. However, the Board should know that there have been changes to Federal Regulations concerning what constitutes a minor modification. In the Middle-Class Tax Relief and Job Creation Act of 2012, new provisions stated that local governments "shall approve" any eligible request to modify an existing wireless tower or base station that does not "substantially change" the tower or base station. The FCC guidance stated *"that it is not a substantial change if: (1) the height of the tower is not increased by more than 10%; (2) the addition will not extend more than 20 feet from the tower; (3) it will add no more than one equipment shelter or four equipment cabinets; and (4) it will not involve excavation outside the tower site or existing utility and access easements. Proposed modifications to existing towers that fall within these guidelines must be approved by local governments."*<sup>(1)</sup>

The Minor Modification provisions may not apply in this case due to the fact the Application proposes a 20% height increase (not the 10% stated as a minor modification) and that it proposes two antenna arrays rather than 1. Town of Grafton Zoning Bylaws have not been amended to reflect the FCC Minor Modification requirements, which procedurally we have complied through the process of requiring administrative review. Therefore, because of the change falling outside the minor modification standards established by the FCC, Staff recommended handling this as a new Application.

Waivers: Applicant has submitted a waiver of the balloon test, the hiring of a stenographer, and the submission of the peer review fee.

<sup>(1)</sup> Source: <https://canons.sog.unc.edu/can-we-top-off-our-tower/>

**Neighborhood Setting:** Located on the Tufts Veterinary School Campus, it is located towards the rear of the campus off a driveway connected to Dumbo Path that also serves other agricultural buildings. The monopole is visible in Google Street View in only a few locations. See below photo:



**Requested Action:** Modification of Previously approved Wireless Facility to allow co-location of wireless carrier.

**Wireless Bylaw Siting Criteria:** Section 5.8.3 Provides guidance on preferred siting of wireless facilities. It should be noted that co-location is identified as the preferable solution.

### **5.8.3 Site Selection Preferences**

*These regulations are written for the purpose of indicating that the Town of Grafton's preferences for facility locations are as follows, in descending order of preference:*

- *On existing structures such as buildings, communications towers, smokestacks, utility structures, etc.;*
- *In locations where existing topography, vegetation, buildings or other structures provide the greatest amount of screening;*
- *On new towers in the CB, OLI and I zoning districts;*
- *On government or educational institution structures in the CB, OLI and I zoning districts;*
- *On government or educational institution structures in the A or R40 zoning districts;*

- *On government or educational institution structures in the R20, RMF or NB zoning districts;*
- *On new towers in the A and R40 zoning districts;*
- *On new towers in the R20, RMF and NB zoning districts.*

*Collocation is generally viewed as preferable to construction of a new support structure where it is assumed that collocation may often be less imposing. The Board's evaluation of each application is essential, however, and applicants are reminded that the preferences described in this section are intended as guidance for development of the application and for the Board's review but are not to be considered in any way completely dispositive.*

**Required Findings:** The Board must make findings under Section 1.5.5 and Section 5.8.5 of the Zoning Bylaws.

### **Section 1.5.5**

- a. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe.
- b. Off-street parking and loading areas where required, with particular attention to the items in paragraph (a) above, and the economic, noise, glare, or odor effects of the special permit on adjoining properties and properties generally in the district.
- c. Refuse collection or disposal and services areas, with particular reference to items in paragraphs (a) and (b) above.
- d. Screening and buffering with reference to type, dimensions and character.
- e. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district.
- f. Required yards and other open space; and
- g. General compatibility with adjacent properties and other property in the district.
- h. There will not be any significant adverse impact on any public or private water supply.
- i. If the subject site is located within the Water Supply Protection Overlay District, there will not be any significant or cumulative impact upon municipal water supplies, and the Board shall give appropriate consideration to contamination by nitrate-nitrogen loading in making this determination.  
(T.M. 10-28-86)
- j. Protect important historic, cultural and scenic landscapes. (TM 10-18-99)

### **5.8.5 Conditions for Granting**

In addition to the conditions for granting contained in Section 1.5.5 and all other applicable sections of this bylaw, the Planning Board shall make findings on which to base its determination on the specific issues of:



**5.8.5.a)** how well the use and proposal meet all required conditions and specifications of the By-Law;

**5.8.5.b)** if the proposed facility is to be located in a residential zoning district, or within a distance equal to twice the height of the tower (from the ground to its highest point) but not less than 200 feet of a residential zoning district, whether the applicant has provided substantial evidence that the facility cannot, by technical necessity, feasibly be located in a non-residential zone

**5.8.5.c)** whether the proposal would sufficiently screen the facility from view, both through landscaping, placement and design, in order to minimize the visual appearance of the entire facility from areas within a one-thousand three hundred twenty foot (1,320') radius of the proposed facility location.

**5.8.5.d)** whether the proposed facility will be housed within or upon a special structure, which will be architecturally compatible with the surrounding residential area (including, for example, bell tower or church steeple), or whether, by virtue of its design, no such special structure is required in order to minimize the visual impact within a one-quarter-mile (1,320') radius. This provision applies to facilities in a residential (A, R40, R20, or RMF) zoning district, or within a distance equal to twice the height of the facility (from the ground to its highest point) but not less than three hundred feet (300'), from such zoning district.

#### **5.8.6 General Requirements**

**5.8.6.1** Any principal part of the facility (excluding guy cables) shall be setback from the nearest property line by a distance of twice the height of the facility (as measured to its highest point, including antennae, etc.), or a distance of three hundred feet (300'), whichever is greater.

**5.8.6.2** Any principal part of the facility (excluding guy cables) shall be setback from the nearest residential structure by a distance of twice the height of the facility (as measured to its highest point, including antennae, etc.), or a distance of three hundred feet (300'), whichever is greater.

**5.8.6.3** No artificial lighting shall be installed unless required by the Federal Aviation Administration. If such lighting is required, it shall be screened so as not to project its light below the horizontal plane in which it is located.

**5.8.6.4** A tower shall be of monopole or similarly unimposing design. In the event other than a monopole is proposed, the Board will view a guyed pole more favorably than a broad lattice type or similar structure. The applicant shall successfully demonstrate to the satisfaction of the Board that the proposed facility will have minimal visual impact.

**5.8.6.5** To minimize the number of wireless communications facility sites in the community in the future, the proposed facility shall be designed and constructed so it is reasonably capable of accommodating other users, including other wireless communication companies and local police, fire and ambulance companies, unless it is determined to be technically infeasible based on the Board's evaluation of information submitted.

**5.8.6.6** No interference to existing television, cable television or radio signals, including emergency systems and public safety communications, shall be permitted from the tower or

components thereon. If interference occurs, it shall be the responsibility of the site owner to immediately remedy it.

**5.8.6.7** Unless otherwise required by the Federal Communications Commission or the Federal Aviation Administration, towers facilities shall be painted non-contrasting grey or blue in color, or camouflaged with some other treatment deemed acceptable by the Board. Antenna(e) shall be non-contrasting or camouflaged.

**5.8.6.8** The related unmanned equipment and/or other buildings shall not be more than twelve (12) feet in height. All ancillary uses (including, for example, but not limited to, a maintenance depot, vehicle storage, etc.) are prohibited.

**5.8.6.9** All utilities proposed to serve the facility shall be installed underground.

**5.8.6.10** Dish antennae shall be no more than six (6) feet in diameter, and shall be mesh (rather than solid). Panel antennae shall be no more than five (5) feet in height.

**5.8.6.11** No advertising or signage shall be permitted on the facility.

**5.8.6.12** No facility shall be located within a distance equal to twice the height of the facility (as measured from the ground to its highest point) plus four hundred feet (400') of a wellhead area of a municipal water supply.

**5.8.6.13** Landscaping shall be provided around the base of the facility, adjacent to a security fence at least six feet (6') in height. The landscaping shall consist of a planting strip at least 25 feet wide, with ground cover and/or grass, and shall include at least one row of six-foot (6') high evergreen trees adjacent or proximate to the fence, and a row of deciduous trees at least ten feet (10') in height and at least one-and-one-half-inch (1 1/2") caliper planted no more than 20 feet apart on center, and deemed acceptable by the Board. Applicants may substitute alternative landscape plans that meet the purposes of this subsection to limit the visual impact of the lower portion of the tower and adjoining accessory facilities for the Board's consideration.

Thank you.